

Amendment and Response

Applicant: Carole Jago Stora

Serial No.: 10/770,095

Filed: Feb. 2, 2004

Docket No.: 59037US002

Title: MICROSPHERE-FILLED SEALANT MATERIALS

REMARKS

Claims 2 to 22 and 24 to 31 are pending. Claims 1 and 23 have been canceled. Claims 2, 4, 6, 8, 24, 25, 27 and 29 are amended. The amendments have basis in the specification.

§ 102 Rejections

Claims 1, 4-13, 23 and 29-31 stand rejected under 35 USC § 102(b) as being anticipated by U.S. 6,274,648 (Meguriya '648).

Claims 1, 4-13, 23 and 29-31 stand rejected under 35 USC § 102(b) as being anticipated by U.S. 2001/0016609 (Meguriya '609)

Claim 1 has been canceled. Claim 2 has been amended to become an independent claim. All claims formerly dependent on claim 1 are now dependent from claim 2 or claims dependent thereon.

The rejection of claims 4-13, 23 and 29-31 under 35 USC § 102(b) as being anticipated by Meguriya '648 and '609 is moot in view of the amendments and should be withdrawn. Applicant believes that the neither reference discloses a true enclosable container having a sealant therein as required by claim 1 and claims dependent thereon due to the fact that the "container" specified by the Examiner is the compression mold, which has the organosiloxane composition placed therein solely for curing into a solid final article. The container having the compound therein actually exists only during the molding process as the solid part is thereafter removed and not in a container. Furthermore, the composition taught by both references is a composition which is cured via the molding process into a homogeneous final article and is not a compressible gel during use of the part after molding. For these reasons, Applicants believe that the references cited by the Examiner do not anticipate Applicant's claims. However, to further prosecution and allowance, Applicant has amended the claims such that all claims are dependent from claims which have been allowed by the Examiner or indicated to be allowable.

Specifically, the Examiner has allowed claims 14-22. The Examiner has further indicated that claims 2, 3 and 24-28 would be allowable if rewritten in independent form to

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include all limitations of the base claim and any intervening claims. Claims 1 and 23 have been canceled. Claims 2 and 24 have been rewritten in independent form. Applicant has further amended claims 4, 6, 8, and 25, 27 and 29 such that claims 4-13 and 29-31 now depend from claims which are allowed or indicated to be allowable if rewritten in independent form. Applicant therefore submits that claims 4-13 and 29-31 are also in condition for allowance.

CONCLUSION

In view of the above, it is submitted that all claims currently pending in the application are in condition for allowance. Reconsideration of the application is requested.

Any inquiry regarding this Amendment and Response should be directed to either Matthew B. McNutt at Telephone No. (512) 231-0531, Facsimile No. (512) 231-0540 or James Trussell at Telephone No. (512) 984-4672, Facsimile (512) 984-2020. In addition, all correspondence should continue to be directed to the following address:

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The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Respectfully submitted,

Carole Jego Stora,

By their attorneys,

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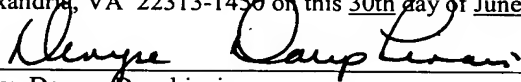


Matthew B. McNutt

Reg. No. 39,766

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 30th day of June, 2005.

By



Name: Denyse Dauphinais